

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM VICTOR,	:	
	:	
Plaintiff	:	CIVIL ACTION NO. 1:20-425
	:	
v.	:	(MANNION, D.J.)
	:	(CARLSON, M.J.)
LT. MOSS, et al.,	:	
	:	
Defendants	:	

ORDER

Presently before the court is the Report and Recommendation (“Report”) of Magistrate Judge Martin C. Carlson, ([Doc. 120](#)), which recommends that the motion for summary judgment, ([Doc. 114](#)), filed by defendants Correctional Officer Houston, Correctional Officer Levan, Correctional Officer Macijckak, Sergeant McCoy, Lieutenant Moss, Sergeant Ricci (“moving defendants”) be granted. No party has filed objections.

Even where no objection is made, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” [Fed.R.Civ.P.72\(b\)](#) advisory committee notes; see also *Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D.Pa.2010) (citing *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir.1987) (explaining judges should give some review to every report and

recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); M.D.Pa. Local Rule 72.31.

In his Report, Judge Carlson concludes that granting the moving defendants' motion for summary judgment is appropriate because the *pro se* plaintiff had failed to exhaust administrative remedies under the Prison Litigation Reform Act ("PLRA"), 42 U.S.C. §1997e, prior to filing this action in federal court. Judge Carlson observes that, prior to filing this action, the plaintiff filed a grievance pursuant to DC-ADM 001 relating to his instant alleged assault and did not await the outcome of the investigation prior to instituting this lawsuit. It is also undisputed that the plaintiff has not complied with the general grievance policy pursuant to DC-ADM 804. As a result, Judge Carlson reasons that the plaintiff failed to exhaust his administrative remedies in accordance with either of DC-ADM 804 or DC-ADM 001, the two grievance processes available to Pennsylvania inmates alleging abuse.

The court has conducted a thorough review of all pertinent filings and finds the Report of Judge Carlson to be well-reasoned and well-supported. As such, the court will adopt the report in its entirety as the decision of the court.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- (1) Judge Carlson's Report, ([Doc. 120](#)), is **ADOPTED IN ITS ENTIRETY**;
- (2) The moving defendants' motion for summary judgment, ([Doc. 114](#)), is **GRANTED**;
- (3) The plaintiff's motion for sanctions and an extension of time, ([Doc. 106](#)), is dismissed as **MOOT**;
- (4) As no claims remain, the Clerk of the Court is directed to **CLOSE** this case.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATE: June 27, 2022
20-425-06